



Crl.O.P.(MD) No.14966 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.14966 of 2023

and

Crl.M.P.(MD)No.11847 of 2023

1.K.M.C.Construction,

Represented by its Manager,

P.Karthik Pandiyan

2.K.Chellapandi

3.C.Palanisamy

4.S.Suresh Kumar

5.P.Ragupathi

6.C.Thillai Ambala Natarajan

... Petitioners

Vs.

1.The State of Tamil Nadu represented by

the Inspector of Police,

Devadanapatti Police Station,

Theni District.

(In Crime No.493 of 2021)

2.Mohanram

..Respondents



Crl.O.P.(MD) No.14966 of 2023

WEB COPY

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the impugned First Information Report in Crime No.493 of 2021 on the file of the first respondent, dated 17.07.2021 alleged offence under Section 379 of I.P.C r/w 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, on the file of the respondent No.1 and quash the same as illegal.

For Petitioners : Mr.I.Pinaygash

For R1 : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This petition is filed under Section 482 of Cr.P.C. seeking quashment of the impugned FIR in Crime No.493 of 2021 on the file of the respondent Police, dated 17.07.2021, which is registered against the petitioners for the offences under Sections 379 of I.P.C. r/w Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. According to learned counsel for the petitioners that the prosecution has registered an FIR against the petitioner No.1 / Company and petitioner Nos.2 to 6 / Accused Nos.2 to 6, who are employees and workers of the petitioner No.1 Company transported one unit (each) of gravel soil for the



Crl.O.P.(MD) No.14966 of 2023

purpose of development works in PWD channel by using JCB, in the tipper lorry bearing Registration Nos.TN 60 AE 6490, TN 31 J 7247 and TN 59 AA 6970, respectively, without prior permission of the authorities. It is submitted that the petitioner No.1 / Company was granted permission by the PWD Department as per the proceedings No.Ko.19/2021/U.Se.Po, dated 30.06.2021, wherein, the petitioner No.1 / Company was permitted to take gravel sand for PWD channel development work.

3. Learned Government Advocate (Criminal Side) has submitted that when the respondent Police have questioned the petitioners for their rights in taking the gravel soil, Accused Nos. 2 to 6 have absconded by leaving their vehicles, thereby, a case has been registered.

4. According to the respondent Police, the petitioner No.1 / Company has committed the offence punishable under Sections 379 of I.P.C. r/w Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957, by taking the gravel through tipper lorry bearing Registration Nos.TN 60 AE 6490, TN 31 J 7247 and TN 59 AA 6970, respectively, through their employees /



Crl.O.P.(MD) No.14966 of 2023

WEB COPY

Accused Nos.2 to 6 without any permission. However, on going through the prosecution case itself, the petitioners were taking the gravel for the execution works of Public Works Department. Therefore, according to prosecution, the gravel was being taken by the petitioners is for PWD channel work and not for in any private purpose. However, the petitioners could not show any authority to the respondent Police about the proceedings issued by the Executive Engineer of PWD permitting the petitioner No.1 / Company to take soil for PWD works through the tipper vehicles bearing tipper lorry bearing Registration Nos.TN 60 AE 6490, TN 31 J 7247 and TN 59 AA 6970, respectively. Once permission was granted by the Government itself, it cannot be stated that the petitioners have committed the offence.

5. Learned Government Advocate (Criminal Side) has submitted if the proceedings, dated 30.06.2021 are shown to the respondent Police as demanded, criminal case should not have been registered against the petitioners.

6. In view of the discussions made above, since the petitioners have not committed any offence, the FIR registered against the petitioners in Crime



Crl.O.P.(MD) No.14966 of 2023

WEB COPY

No.493 of 2021, is hereby quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

28.08.2023

tsg

To

- 1.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.14966 of 2023

DR.D.NAGARJUN. J.

tsg

Crl.O.P.(MD)No.14966 of 2023

28.08.2023